

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SCOTT JOHNSON,
Plaintiff,

v.

ROBINSON OIL CORPORATION,
Defendant.

Case No.17-cv-03659-NC

**ORDER TO SHOW CAUSE WHY
PLAINTIFF FAILED TO FILE
NOTICES OF PAYMENT FOR
SANCTIONS**

Re: Dkt. Nos. 63, 70

On September 19, 2018 this Court awarded sanctions against Plaintiff Scott Johnson in the amount of \$2,250 (Defendant's expenses of 5 hours at \$450 per hour). *See* Dkt. No. 63. On September 25, 2018 this Court again awarded sanctions against Plaintiff Scott Johnson in the amount of \$675 (Defendant's expenses of 1.5 hours at \$450 per hour). *See* Dkt. No. 70. Plaintiff's counsel Center For Disability Access was ordered in each instance to file a notice of the payment in ECF within 14 days of the order. Those deadlines were October 3, 2018, and October 9, 2018, respectively. Plaintiff's counsel has filed no notices of payment. Therefore, Plaintiff's counsel is **ORDERED TO SHOW CAUSE** why the notices of payment were not timely filed, and to file the notices, by **October 16, 2018**.

In its September 25 order, this Court stated: "Plaintiff's counsel are admonished for their repeated late filings and disclosures in this case. Plaintiff and his counsel are warned that further violations may result in a more severe sanction under Rule 37." *See* Dkt. No. 70. Rule 37 allows for the Court to impose sanctions which include the following:

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- (i) Directing that the matters embraced in the order or other designated facts be taken as established for the purposes of the action, as the prevailing party claims;
- (ii) prohibiting the disobedient party from supporting or opposing designated claims or defenses, or from introducing designated matters in evidence;
- (iii) striking pleadings in whole or in part
- (iv) staying further proceedings until the order is obeyed;
- (v) dismissing the action or proceeding in whole or in part;
- (vi) rendering default judgment against the disobedient party; or
- (vii) treating as contempt of court the failure to obey any order except an order to submit to a physical or mental examination.

See Fed. R. Civ. P. 37(b)(2)(A)(i)–(vii).

This Court may impose more severe sanction(s) on Plaintiff and his counsel if further violations, such as repeated late filings, occur in this case. Plaintiff's counsel are again admonished for their failure to diligently comply with deadlines and orders in this case.

IT IS SO ORDERED.

Dated: October 12, 2018



NATHANAEL M. COUSINS
United States Magistrate Judge